

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 24-12904-AMC
Michael Brennan	: Chapter 13
Rafael A. Tuck-Brennan	
Debtors	:
	:
American Credit Acceptance	:
Movant	:
vs.	:
Michael Brennan	:
Rafael A. Tuck-Brennan	:
Michael Congo (Non-Filing Co-Debtor)	:
Debtors/Respondents	:
And	:
Scott F. Waterman, Esquire	:
Trustee/Respondent	:

MOTION FOR RELIEF FROM AUTOMATIC STAY, UNDER 11 U.S.C. § 362
AND RELIEF FROM CO-DEBTOR STAY UNDER 11 U.S.C. §1301

Movant, American Credit Acceptance, by its Attorneys, Hladik, Onorato & Federman, LLP, hereby requests relief from the Automatic Stay and Co-Debtor Stay, for leave to proceed with its State Court rights provided under the terms of the Vehicle loan contract.

1. Movant is American Credit Acceptance (“Movant”).
2. Debtors, Michael Brennan and Rafael A. Tuck-Brennan (“Debtors”) filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on August 20, 2024.
3. Debtor, Rafael A. Tuck-Brennan, and Non-Filing Co-Debtor, Michael Congo, purchased a 2013 Chevrolet Equinox, VIN# 2GNALPEKXD6343515 (the “Vehicle”) pursuant to a Retail Installment Contract and Security Agreement dated April 27, 2023 in the original principal amount of \$16,020.26 (the “Contract”), a copy of which is attached to Movant’s filed Proof of Claim #11 on the Claims Register.
4. Scott F. Waterman, Esquire is the Trustee appointed by the Court.
5. Movant is the holder of a security interest in the aforesaid Vehicle, which interest has been perfected through notation on the Pennsylvania Certificate of Title. A true and correct copy of the Lien and Title Information Report is attached to Movant’s filed Proof of Claim #11 on the Claims Register.

6. Movant has not received the following monthly post-petition payments:

Regular Monthly Payments 09/10/2024 – 03/10/2025 (\$524.76/each).....\$3,673.32
Total Amount Due Post-Petition:\$3,673.32

7. The approximate value of the Vehicle as per the J.D. Power Official Used Car Guide is \$7,850.00 (Average Trade-In value).

8. The approximate total amount necessary to pay off the Vehicle as of March 10, 2025 is \$21,147.60.

9. Due to the Debtors' failure to make post-petition payments when due, Movant lacks adequate protection of its security interest in the Vehicle.

10. The Co-Debtor Stay of Section 1301 should be terminated as to Michael Congo, pursuant to 11 U.S.C. 1301(c) because the Movant's interests would be irreparably harmed by a continuation of the stay.

WHEREFORE, Movant respectfully requests that this Court enter an Order:

a. Modifying the Automatic Stay under 11 U.S.C. § 362 of the Bankruptcy Code with respect to the Vehicle as to permit Movant to repossess on its Contract and allow Movant or any other purchaser at auction to take legal or consensual action for enforcement of its right to possession of, or title to; and

b. Granting relief from the Co-Debtor Stay under 11 U.S.C. §1301 of the Bankruptcy Code as to Michael Congo; and

c. Granting any other relief that this Court deems equitable and just

Respectfully Submitted,

Date: 03/27/2025

/s/Danielle Boyle-Ebersole
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